

Item SP04-19 Response Form

Title: **Definition of “Temporary Judge”** (amend definition of “temporary judge” in Terminology section of the California Code of Judicial Ethics)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Administrative Office of the Courts
455 Golden Gate Avenue, San Francisco, CA 94102

Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 P.M Friday, October 1, 2004

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

<i>Circulation for comment does not imply endorsement by the California Supreme Court.</i>
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Title	Definition of “Temporary Judge” (amend definition of “temporary judge” in Terminology section of the California Code of Judicial Ethics)
Summary	The proposed amendment makes the definition of “temporary judge” in the code consistent with the constitutional provision for temporary judges.
Source	Supreme Court Advisory Committee on the Code of Judicial Ethics
Staff	Mark Jacobson, 415-865-7898
Discussion	<p>Article VI, section 21 of the California Constitution provides: “On stipulation of the parties litigant the court may order a cause to be tried by a temporary judge who is a member of the State Bar”</p> <p>In the Terminology section of the Code of Judicial Ethics, which precedes the canons, the term “temporary judge” is defined as “an active or inactive member of the bar who serves or expects to serve as a judge once, sporadically, or regularly on a part-time basis under a separate court appointment for each period of service or for each case heard.”</p> <p>The Supreme Court Advisory Committee on the Code of Judicial Ethics has recommended to the Supreme Court that it circulate for public comment a proposed amendment to the definition of “temporary judge” in the code to link it with the constitutional provision for temporary judges. Thus, the proposed amendment adds the phrase “pursuant to article VI, section 21 of the California Constitution.” The committee concluded that this would ensure the use of the term in the code is consistent with the constitutional provision for temporary judges.</p> <p>The text of the proposed amendment is attached.</p>
	Attachment

The definition of “temporary judge” in the Terminology section of the California Code of Judicial Ethics would be amended effective January 1, 2005, to read:

Terminology

“Temporary Judge.” A temporary judge is an active or inactive member of the bar who, pursuant to article VI, section 21 of the California Constitution, serves or expects to serve as a judge once, sporadically, or regularly on a part-time basis under a separate court appointment for each period of service or for each case heard. See Canons 4C(3)(d)(i), 6A, and 6D.